

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

REFLEX MEDIA, INC., a Nevada
corporation, et al,

Plaintiffs,

v.

RICHMEETBEAUTIFUL HOLDING LTD.,
a Maltese corporation d/b/a
RichMeetBeautiful.com, et al,

Defendants.

Case No. 2:18-cv-01476-APG-EJY

REPORT AND RECOMMENDATION

RE: ECF No. 66
(Notice of Non-Compliance with
Order to Show Cause)

Presently before the Court is Plaintiffs' Notice of Defendants' Noncompliance with Order to Show Cause. ECF No. 66.

On January 26, 2021, the Court entered an Order granting in part and denying in part Plaintiffs' Motion to Compel Discovery Requests, Deem Plaintiffs' Requests for Admission Admitted, and for Order Requiring Defendants to Show Cause Why Defendants Should not be Held in Default, and to Continue Existing Case Deadlines. ECF No. 61. At that time the Court entered an Order requiring Defendants to respond to Plaintiffs' Interrogatories and Requests for Production of Documents by or before February 16, 2021, deemed Plaintiffs' Requests for Admissions served on Defendants admitted, and awarded Plaintiffs their reasonable attorneys' fees and costs for bringing their Motion to Compel. ECF No. 61 at 2-3. The Court's Order also stated that "if Defendants fail to respond to Plaintiffs' Interrogatories and Requests for Production of Documents on or before February 16, 2021, Plaintiffs shall file a notice with the Court advising the Court of the same and renewing their Motion for an Order to Show Cause why Defendants' Answer should not be struck and default entered." *Id.* at 3 (internal alteration omitted).

On February 24, 2021, the Court entered an Order to Show Cause requiring Defendants to show cause why the Court should not recommend their answer (ECF No. 49) be struck and default entered against these parties. ECF No. 64. The due date for Defendants to show cause was March

1 10, 2021. As of today's date Defendants have not responded to the Order to Show Cause and
 2 Plaintiff seeks an order striking Defendants' Answer and entering default. ECF No. 66 at 1.

3 Federal Rule of Civil Procedure 16(f)(1)(C) states that "the court may issue any just orders,
 4 including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney ... fails to obey a
 5 scheduling or other pretrial order." United States District Court for the District of Nevada Local
 6 Rule IA 11-8(e) states: "The court may, after notice and an opportunity to be heard, impose any and all
 7 appropriate sanctions on an attorney or party who ... [f]ails to comply with any order of this court."
 8 Here, Defendants failed to abide by the Court's January 26 and February 24, 2021 Orders. ECF
 9 Nos. 61 and 64. There has been no communication from Defendants regarding either of these Orders
 10 with Plaintiff or the Court. Defendants are in violation of the Order to Show Cause.

11 Accordingly,

12 IT IS HEREBY RECOMMENDED that Plaintiff's Notice of Defendants' Noncompliance
 13 with Order to Show Cause (ECF No. 66) be GRANTED.

14 IT IS FURTHER RECOMMENDED that Defendants' Answer to the Amended Complaint
 15 (ECF No.49) be struck and default be entered.

16 DATED THIS 31st day of March, 2021.

17 
 18 ELAYNA J. YOUCHAK
 19 UNITED STATES MAGISTRATE JUDGE

20 **NOTICE**

21 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
 22 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
 23 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
 24 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
 25 held that (1) failure to file objections within the specified time and (2) failure to properly address
 26 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
 27 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
 28 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).